

Order

Michigan Supreme Court
Lansing, Michigan

June 8, 2005

ADM File No. 2004-33

Proposed Amendment of
Rule 9.221 of the
Michigan Court Rules

Clifford W. Taylor
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Justices

On order of the Court, this is to advise that the Court is considering an amendment of Rule 9.221 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal, or to suggest alternatives. The Court welcomes the views of all. This matter also will be considered at a public hearing. The notices and agendas for public hearings are posted at www.courts.michigan.gov/supremecourt.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions are indicated by underlining and deletions are indicated by strikeover.]

Rule 9.221 Confidentiality; Disclosure

(A)-(H)[Unchanged.]

(I) Disclosure to Michigan Supreme Court. Regardless of whether a formal complaint has been filed, providing any information to the Michigan Supreme Court means that both confidentiality and privilege has been waived for that information, and the Court may include that information in its decisions.

Staff Comment: New subrule (I) would waive confidentiality and privilege, thus allowing inclusion of the information in the Supreme Court's decisions regardless of whether a formal complaint has been filed.

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on these proposals may be sent to the Supreme Court Clerk in writing or electronically by October 1, 2005, at P.O. Box 30052, Lansing, MI 48909, or MSC_clerk@courts.mi.gov. When filing a comment, please refer to ADM File No. 2004-33. Your comments and the comments of others will be posted at www.courts.mi.gov/supremecourt/resources/administrative/index.htm.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 8, 2005 Mark J. Mark
Dennis Clerk